



OFFICE OF THE CITY CLERK CITY OF BINGHAMTON

William Berg, City Council President
Jeremy Pelletier, City Clerk

**BOARD OF ESTIMATE AND APPORTIONMENT
MEETING MINUTES
DPW Conference Room, 3rd Floor City Hall
Wednesday March 11, 2015**

Call to Order. Called to order at 11:25am by Richard C. David, Mayor

Board Members Present: Chuck Shager, Comptroller; Gary Holmes, City Engineer; Terry Kellogg, Commissioner of Public Works, Kenneth J. Frank, Corporation Counsel; Richard C. David, Mayor

Board Members Absent: None

Also Present: Jeremy Pelletier, City Clerk; Jared Kraham, Executive Assistant to the Mayor

ITEMS CONSIDERED

Permanent Easement for Portion of 70-72 Court Street. Request to enter into an agreement for a permanent easement for a portion of 72 Court Street, submitted by 33 State Street Associates. Alan Pope, Andrew Urso and Larry Pasquale attended the meeting held January 15, 2014 to discuss the proposal. The Board reviewed this matter, and concluded that any agreement should be limited to the space required for a stairway, but should not include space for a patio. The Board of Contract and Supply approved a Request for Sealed Bids for 70-72 Court Street at a meeting held on February 12, 2014. Such Request for Sealed Bids includes a restriction stating that the sale would be subject to a permanent easement for pedestrian ingress and egress from a basement stairwell at 92 State Street, but that construction above the stairwell would be permitted. Kenneth J. Frank to discuss the details of the permanent easement with Mr. Pope. Kenneth J. Frank sent a letter to Mr. Pope requesting a better description of the distances of the proposed easements

Water Street – Public Right of Way. Offer to purchase Water Street-Public Right of Way (L74 Pg. 356) for \$5,200, submitted by Ellis Brothers and Joseph Inc. on July 14, 2014. Sent to the Assessor's Office, the Office of Building Construction, Zoning & Code Enforcement, the Department of Planning, Housing & Community Development, and Economic Development on July 16, 2014. Scott Snyder responded on 7/16/2014 stating that he had no objection to the sale of the property. Bob Murphy responded on October 27, 2014 stating that assuming the OTP meets Scott Snyder's okay and last I heard the neighboring property owners were supportive – I have no objection. Tom Costello responded on 11/10/14 stating that he was in favor of the sale of the property but not the proposed use of the property. Jennie Skeadas-Sherry responded on 11/10/2014 stating that she does not have any problem with the purchase. Kenneth Frank will look into easements and rights of way for adjacent property owners. Kenneth J. Frank to meet with Gary Holmes, Robert Murphy and Jennie Skeadas-Sherry to review maps to ensure that of property owners has access to their buildings. Letter regarding easements and rights of way were drafted and will be sent to the attorney representing Ellis Brothers and Joseph Inc. Kenneth J. Frank will send a letter to the company's attorney regarding the easements for the adjacent property owners. A letter will also be sent to the property owner of the garage to ensure it is abandoned.

Flynn Avenue. A combined offer to purchase Flynn Avenue, received from John W. Young & Associates on behalf of Binghamton Giant Market, Inc. and Vestal Penn Enterprises, Inc. for \$500 per applicant. Sent to the Assessor's Office, the Office of Building Construction, Zoning & Code Enforcement, the Department of Planning, Housing & Community Development, and the Office of Economic Development on June 27, 2014. Thomas Costello responded on July 1, 2014, stating that Flynn Avenue is a paper street, mostly undeveloped except for a small portion, intersecting Vestal Avenue, which was developed with asphalt. Mr. Costello recommends obtaining additional information prior to issuing a



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recommendation. Jennie Skeadas-Sherry responded on July 2, 2014. The parcel is in a C-4 zoning district, where the minimum lot size is 6,000 SF. The proposal would create three non-conforming lots (5,983 SF / 289 SF / 1,228 SF). Ms. Skeadas-Sherry requested additional information and clarification on the necessity for subdivision and the creation of non-conforming lots. Scott Snyder responded on July 2, 2014, stating that the offer price of \$500 per applicant is low and unacceptable. Mr. Garbarino and Mr. Young attended the meeting on July 16, 2014 and provided clarification on the proposal. Mr. Holmes noted that the City would require an easement for a sewer line which extends into the street, should the sale be approved. Mr. Snyder stated that the fair market value for the property is \$6,200. Mr. Garbarino and Mr. Young will consider the price, and will contact the City if they are interested in pursuing this matter. Mr. Pelletier reached out to the applicant to determine their interest in the property. Mr. Young and Mr. Garbarino attend the meeting and would like to negotiate a purchase price for the property. The Board of E&A will review the offer to purchase and contact Mr. Young and Mr. Garbarino.

NEW BUSINESS

Approval of Minutes. Request to approve the minutes from the Board of Estimate and Apportionment meeting held on March 4, 2015.

Motion to approve minutes from March 4, 2015.

Moved by Frank, seconded by Shager.

Motion carried. (Vote 5-0)

Ayes: David, Frank, Holmes, Shager, Kellogg

Nays: None

Absent: None

Budget Transfer. Request to transfer \$8,132.13 from budget line A3410.54300 (Insurance) to budget line A3410.51900 (Personnel). Request to transfer \$3,250 from budget line A3410.54701 (Travel) to budget line a3410.51640 (Incentive). Submitted by Daniel Thomas, Fire Chief.

Motion to approve transfers in the 2014 budget.

Moved by Frank, seconded by David.

Motion carried. (Vote 5-0)

Ayes: David, Frank, Holmes, Shager, Kellogg

Nays: None

Absent: None

Budget Transfer. Request to transfer \$4,250 from budget line A1640.51000 (Personnel) to budget line A1640.54201 (Gas-Heat). Request to transfer \$4,600 from budget line A1650.52400 (Tools) to budget line A1650.54202 (Electricity). Submitted by Gary Holmes, City Engineer.

Motion to approve transfers in the 2014 budget.

Moved by Shager, seconded by Holmes.

Motion carried. (Vote 5-0)

Ayes: David, Frank, Holmes, Shager, Kellogg

Nays: None

Absent: None

Budget Transfer. Request to transfer \$3,500 from budget line A7110.54201 (Gas-Heat) to budget line A7110.54202 (Parks Electricity). Request to transfer \$2,700 from budget line A7110.54201 (Temp Services) to budget line A7110.54202 (Parks Electricity). Submitted by Gary Holmes, City Engineer.



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Motion to approve transfers in the 2014 budget.

Moved by Shager, seconded by Kellogg.

Motion carried. (Vote 5-0)

Ayes: David, Frank, Holmes, Shager, Kellogg

Nays: None

Absent: None

Adjournment. Motion to adjourn at 11:27am.

Moved by Frank, seconded by Holmes.

Voice vote, none opposed.